<u>REMARKS</u>

The present application was filed on March 7, 2002 with claims 1-28. In response to a restriction requirement, Applicants elected claims 1-13, 21-25 and 27 for prosecution on the merits. Thus, claims 14-20, 26 and 28 have been withdrawn. Claims 1-13, 21-25 and 27 are therefore pending with claims 1, 21 and 27 being the independent claims.

In the final Office Action, the Examiner: (i) objected to the specification; (ii) withdrew a previous rejection of claims 7, 11 and 24 under 35 U.S.C. §112, second paragraph, as being indefinite; (iii) maintained a rejection of claims 1-6, 8-10, 12, 21-23, 25 and 27 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,265,232 to Gannon et al. (hereinafter "Gannon"); and (iv) again acknowledged allowable subject matter in claims 7, 11, 13 and 24.

In this response, Applicants: (i) traverse the objection to the specification; (ii) traverse the §102(b) rejection of claims 1-6, 8-10, 12, 21-23, 25 and 27; (iii) amend claims 1, 8, 10, 11, 13, 21 and 27; (iv) cancel claims 5-7, 23 and 24; and (v) add new claim 29.

Regarding the specification, the Examiner raises for the first time, an objection to the use of the term "cache" versus "cache server." Applicants respectfully traverse the objection.

As is clear from a complete reading of the present specification, Applicants' use of the term "central cache" is intended to convey a meaning of more than just "an array of memory cells," as suggested by the Examiner. By way of example only, the present specification at page 1, lines 8-14 explains that a cache may be implemented <u>as a server</u> (e.g., cache server) in a network or <u>as an integrated circuit</u>. Further, at page 6, lines 3-4, of the present specification, it is illustratively explained that "there may be multiple local caches associated with a processor . . . a local cache may exist on <u>the same processor as the central cache</u> . . . ." Still further, the present specification at page 7, lines 8-9, states that "<u>the central cache 102 may have the processing/memory capabilities of a cache server or proxy caching server</u>." Thus, it is asserted that the objection is unsupported by the language of the present specification. Withdrawal of the objection is therefore respectfully requested.

Regarding the withdrawal of the previous rejection of claim 7 under 35 U.S.C. §112, second paragraph, as being indefinite with respect to the term "cost," the Examiner states "the meaning and

scope of the term 'cost' is limited to only those embodiments within the scope of the specification." Applicants do not agree with the Examiner's statement and believe it to be improper. Applicants respectfully point out that while the specification provides illustrative embodiments of certain claimed features that may serve to satisfy enablement and best mode requirements, the ultimate scope of a claim term may be broader than that defined by the illustrative embodiments. Further, Applicants believe that the Examiner is not empowered to state what the ultimate scope of a claim term is; rather, the Examiner may merely interpret a claim term in determining whether it is covered by the prior art.

Regarding the §102(b) rejection of claims 1-6, 8-10, 12, 21-23, 25 and 27, Applicants again respectfully assert that Gannon fails to teach or suggest all of the limitations in independent claims 1, 21 and 27 based on the remarks presented in their Response dated June 11, 2004, the disclosure of which is incorporated herein by reference. Applicants believe that the Examiner's comments in the final Office Action fail to add any further substantive support to the previous rejection.

Nonetheless, in a sincere effort to move the present application through to issuance, Applicants have amended the independent claims to effectively incorporate the subject matter of the claims which the Examiner has indicated as being allowable.

More particularly, Applicants have amended independent claims 1 and 27 to incorporate the limitations of claim 7 (which itself includes the limitations of claims 5 and 6). Claims 5-7 have been canceled without prejudice. Further, claims 11 and 13 have been rewritten in independent form incorporating their respective base claims and any intervening claims. Still further, Applicants have amended independent claim 21 to incorporate the limitations of claim 24 (which itself includes the limitations of claim 23). Claims 23 and 24 have been canceled without prejudice.
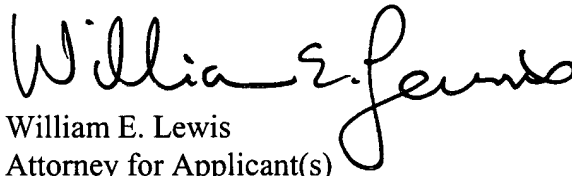
Thus, Applicants request withdrawal of the §102(b) rejection of claims 1-4, 8-10, 12, 21, 22, 25 and 27.

Applicants have also added new independent claim 29 which contains similar limitations as amended claim 1 with the exception that "the metric" in claim 29 is recited as being correlated with "a frequency with which the data object is accessed, a cost for the central cache to provide the object,

and a size of the data object." Applicants believe that new claim 29 is patentable for at least similar reasons that amended claim 1 is patentable.

In view of the above, Applicants believe that claims 1-4, 8-13, 21, 22, 25, 27 and 29 are in condition for allowance, and respectfully request withdrawal of the various objections and rejections.

Respectfully submitted,

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